

Serial No. 09/171,236
March 4, 2004
Response to Office Action of December 4, 2003
Page 13 of 16

REMARKS

Claims 17-22, 24, 26-35 and 37-54 are pending in this application. By this Amendment, Applicants amend claims 17, 20, 27, 28 and 31 and adds new claims 37-54.

Applicants greatly appreciate the Examiner's indication that claims 17-19, 24 and 26-35 are allowed.

Claims 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiumi et al. (U.S. 5,973,704). Applicants respectfully traverse this rejection.

Claim 20 has been amended to recite:

"An image processing device for situating objects in virtual space formed by a computer system, developing a game while controlling the movement of said objects according to input control and set rules, and displaying circumstances in said virtual space as the screen seen from a virtual camera, wherein said image processing device comprises:

determination means for determining whether or not said objects are in one of a plurality of predetermined areas in said virtual space; and

camera angle adjusting means for adjusting the angle of said virtual camera based on the results of the determination by said determination means; wherein

each of said plurality of predetermined areas has a specific angle value assigned thereto; and

the angle of the virtual camera is 0 degrees when said object is not in said one of said plurality of predetermined areas, and the angle of the virtual camera is adjusted by the camera angle adjusting means to a value other than 0 degrees when said object is in said one of said plurality of predetermined areas in accordance with the specific angle value assigned to said one of said plurality of predetermined areas." (Emphasis added)

The Examiner alleged that Nishiumi et al. teaches all of the features recited in claim 20, except for the feature of determining if the object is in a predetermined area. However, the Examiner alleged that "Nishiumi [et al.] discloses determining whether an obstacle is between an object and a camera." Thus, the Examiner concluded that it would have been obvious "that an obstacle is positioned in a general predetermined area therefore included in the obstacle determining means." Applicants respectfully disagree.

Serial No. 09/171,236
March 4, 2004
Response to Office Action of December 4, 2003
Page 14 of 16

First, as acknowledged by the Examiner, Nishiumi et al. fails to teach or suggest any means for determining whether an object is in a predetermined area, and certainly fails to teach or suggest "determination means for determining whether or not said objects are in one of a plurality of predetermined areas in said virtual space." Without providing any reference or other evidence that means for determining whether an object is in a predetermined area would have been well-known, the Examiner has somehow concluded that it would have been obvious to include means for determining whether an object is in a predetermined area. However, the Examiner is reminded that prior art rejections must be based on evidence. Graham v. John Deere Co., 383 U.S. 117 (1966). Pursuant to MPEP 706.02(a), the Examiner is hereby requested to cite a reference in support of his position that it was well known at the time of Applicants' invention to include means for determining whether an object is in a predetermined area. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which would be subject to contradiction or explanation by affidavit of Applicants or other persons. See 37 C.F.R. §1.104(d)(2). Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness in the rejection of Applicants' claim 20.

Second, claim 20 has been amended to recite the features of "each of said plurality of predetermined areas has a specific angle value assigned thereto" and "the angle of the virtual camera is 0 degrees when said object is not in said one of said plurality of predetermined areas, and the angle of the virtual camera is adjusted by the camera angle adjusting means to a value other than 0 degrees when said object is in said one of said plurality of predetermined areas in accordance with the specific angle value assigned to said one of said plurality of predetermined areas."

In contrast, Nishiumi et al. teaches that the camera angle is adjusted based solely on whether another obstacle exists between the camera position and the operable object, e.g., a wall. Since Nishiumi et al. fails to teach or suggest any means for determining whether an object is within a predetermined area, Nishiumi et al. clearly fails to teach or suggest that specific angle values are assigned to a plurality of

Serial No. 09/171,236
March 4, 2004
Response to Office Action of December 4, 2003
Page 15 of 16

predetermined areas.

Even assuming *arguendo* that Nishiumi et al. teaches means for determining whether an object is in a predetermined area, Nishiumi et al. fails to teach or suggest any a specific camera angle values that are assigned to each of a plurality of predetermined areas, irrespective of whether the operable object would be hidden behind another object. Thus, Nishiumi et al. clearly fails to teach or suggest "each of said plurality of predetermined areas has a specific angle value assigned thereto" and "the angle of the virtual camera is 0 degrees when said object is not in said one of said plurality of predetermined areas, and the angle of the virtual camera is adjusted by the camera angle adjusting means to a value other than 0 degrees when said object is in said one of said plurality of predetermined areas in accordance with the specific angle value assigned to said one of said plurality of predetermined areas" as recited in Applicants' claim 20.

Accordingly, Applicants respectfully submit that Nishiumi et al. fails to teach or suggest the unique combination and arrangement of elements recited in claim 20 of the present applications.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claim 20 is allowable. Claims 21 and 22 depend upon claim 20, and are therefore allowable for at least the reasons that claim 20 is allowable. Claims 17-19, 24 and 26-35 have been allowed. New claims 53 and 54 depend upon allowed claims 17 and 35, and are therefore allowable for at least the reasons that claims 17 and 35 are allowable. New claims 37-41 and 47 recite features and method steps that are similar to the features recited in claims 17, 27, 28 and 31, and are therefore allowable for at least the reasons that claims 17 27, 28 and 31 are allowable. Claims 42-46 and 48-52 depend upon claims 41 and 47, and are therefore allowable for at least the reasons that claims 41 and 47 are allowable.

In view of the foregoing Amendments and Remarks, Applicants respectfully submit that this Application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

Serial No. 09/171,236
March 4, 2004
Response to Office Action of December 4, 2003
Page 16 of 16

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Date: March 4, 2004

Respectfully submitted,


Attorneys for Applicant

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT LLP
10400 Eaton Place, Suite 312
Fairfax, VA 22030
Telephone: (703) 385-5200
Facsimile: (703) 385-5080